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ARIZONA ATTORNEY GENERAL

November 24, 1961
Opinion No. 62-1

REQUESTED BY: Honorable Charles N. Ronan
Maricopa County Attorney

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: Must claims submitted for out-of-state travel by county employees be approved by the Governor before such claims can be paid?

CONCLUSION: No.

The applicable provisions of the Arizona Revised Statutes are set forth below:

"§38-621. Persons eligible to receive travel expenses

The provisions of this article shall apply to every public officer, deputy or employee of the state, or of any department, institution or agency thereof, and to a member of any board, commission or other agency of the state when traveling on necessary public business away from his designated post of duty and when issued a proper travel order."

"§38-626. Travel without the state

When the official duties or activities of a public officer or employee of the state or of any department, institution, commission, board or other agency of the state necessitate traveling without the state, the travel order shall be countersigned by the governor and shall be authority for the state auditor to pay such claims from any funds available for such travel, but the authorization of the governor may be dispensed with when, by shortest practical routing, travel is necessary through adjoining states to reach remote areas of this state."

It is possible that a construction of A.R.S. §38-621 would lead to the conclusion that all the provisions of Article 2, Chapter 4, Title 38 do not apply to county officials and employees. The statute refers to "every public officer, deputy or employee of the State." The provisions in §38-621 were added in the 1952 supplement to the 1939 Code. Prior to that time the statute referred only to "public officers," and the statute was construed as applying to county officers as well as State officers. However, we can arrive at the

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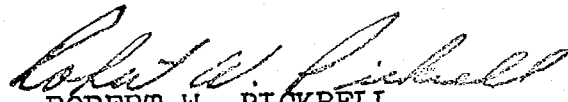
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answer to your question, without deciding whether or not the entire article applies to county officers and employees. A county operates under its own budget, and it would, therefore, appear that the legislature did not intend to have claims for out-of-state travel by county employees approved by the Governor. Further, the statute states that the travel order countersigned by the Governor shall be authority for the State Auditor to pay such claims, and since the State Auditor does not pay claims from the county funds, this would also indicate that A.R.S. §38-626 does not apply to county officers or employees.

It is, therefore, the opinion of the Attorney General that claims submitted for out-of-state travel by county employees need not be approved by the Governor before such claims can be paid from the county funds.

This opinion supplements and re-affirms opinion No. 51-324, dated Dec. 18, 1951, issued to the Deputy State Examiner which advised that reimbursement to county employees for out-of-state travel expenses was allowable and that said travel could be properly authorized.

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